

AN ACT

relating to tuition and fee exemptions for certain military personnel and their dependents or spouse and permitting those personnel to assign the exemption to a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the "Hazelwood Legacy Act."

SECTION 2. Section 54.203, Education Code, is amended by amending Subsections (a), (b), (b-1), (d), (g), and (h) and adding Subsections (a-1), (a-2), (k), (l), and (m) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of tuition, [all] dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person [persons] seeking the exemption ~~[exemptions were citizens of Texas at the time they]~~ entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service ~~[services indicated and have resided in Texas for at least the period of 12 months before the date of registration]~~:

1 (1) all nurses and honorably discharged members of the
2 armed forces of the United States who served during the
3 Spanish-American War or during World War I;

4 (2) all nurses, members of the Women's Army Auxiliary
5 Corps, members of the Women's Auxiliary Volunteer Emergency
6 Service, and all honorably discharged members of the armed forces
7 of the United States who served during World War II except those who
8 were discharged from service because they were over the age of 38 or
9 because of a personal request on the part of the person that the
10 person ~~[he]~~ be discharged from service;

11 (3) all honorably discharged men and women of the
12 armed forces of the United States who served during the national
13 emergency which began on June 27, 1950, and which is referred to as
14 the Korean War; and

15 (4) all persons who were honorably discharged from the
16 armed forces of the United States after serving on active military
17 duty, excluding training, for more than 180 days and who served a
18 portion of their active duty during:

19 (A) the Cold War which began on the date of the
20 termination of the national emergency cited in Subdivision (3) ~~[of~~
21 ~~this subsection]~~;

22 (B) the Vietnam era which began on December 21,
23 1961, and ended on May 7, 1975;

24 (C) the Grenada and Lebanon era which began on
25 August 24, 1982, and ended on July 31, 1984;

26 (D) the Panama era which began on December 20,
27 1989, and ended on January 21, 1990;

1 (E) the Persian Gulf War which began on August 2,
2 1990, and ends on the date thereafter prescribed by Presidential
3 proclamation or September 1, 1997, whichever occurs first;

4 (F) the national emergency by reason of certain
5 terrorist attacks that began on September 11, 2001; or

6 (G) any future national emergency declared in
7 accordance with federal law.

8 (a-1) A person who before the 2009-2010 academic year
9 received an exemption provided by Subsection (a) continues to be
10 eligible for the exemption provided by that subsection as that
11 subsection existed on January 1, 2009, subject to the other
12 provisions of this section other than the requirement of Subsection
13 (a) that the person must have entered the service at a location in
14 this state, declared this state as the person's home of record, or
15 would have been determined to be a resident of this state for
16 purposes of Subchapter B at the time the person entered the service.

17 (a-2) The exemptions provided for in Subsection (a) also
18 apply to the spouse of:

19 (1) a member of the armed forces of the United States:
20 (A) who was killed in action;
21 (B) who died while in service;
22 (C) who is missing in action;
23 (D) whose death is documented to be directly
24 caused by illness or injury connected with service in the armed
25 forces of the United States; or
26 (E) who became totally disabled for purposes of
27 employability according to the disability ratings of the Department

1 of Veterans Affairs as a result of a service-related injury; or

2 (2) a member of the Texas National Guard or the Texas
3 Air National Guard who:

4 (A) was killed since January 1, 1946, while on
5 active duty either in the service of this state or the United
6 States; or

7 (B) is totally disabled for purposes of
8 employability according to the disability ratings of the Department
9 of Veterans Affairs, regardless of whether the member is eligible
10 to receive disability benefits from the department, as a result of a
11 service-related injury suffered since January 1, 1946, while on
12 active duty either in the service of this state or the United
13 States.

14 (b) The exemptions provided for in Subsection (a) ~~[of this~~
15 ~~section]~~ also apply ~~[and inure]~~ to ~~[the benefit of]~~:

16 (1) the children of members of the armed forces of the
17 United States:

18 (A) who are or were killed in action;

19 (B) who die or died while in service;

20 (C) who are missing in action;

21 (D) whose death is documented to be directly
22 caused by illness or injury connected with service in the armed
23 forces of the United States; or

24 (E) who became totally disabled for purposes of
25 employability according to the disability ratings of the Department
26 of Veterans Affairs as a result of a service-related injury; and

27 (2) the ~~[orphans or]~~ children of members of the Texas

1 National Guard and the Texas Air National Guard who:

2 (A) were killed since January 1, 1946, while on
3 active duty either in the service of their state or the United
4 States; or

5 (B) are totally disabled for purposes of
6 employability according to the disability ratings of the Department
7 of Veterans Affairs, regardless of whether the members are eligible
8 to receive disability benefits from the department, as a result of a
9 service-related injury suffered since January 1, 1946, while on
10 active duty either in the service of this state or the United
11 States.

12 (b-1) To qualify for an exemption under Subsection (a-2) or
13 (b), the spouse or child ~~[a person must be a citizen of Texas and]~~
14 must be classified as a resident under Subchapter B on ~~[have resided~~
15 ~~in the state for at least 12 months immediately preceding]~~ the date
16 of the spouse's or child's ~~[person's]~~ registration.

17 (d) The governing board of each institution of higher
18 education granting an exemption under this section ~~[exemptions]~~
19 shall require every applicant claiming the ~~[benefit of an]~~
20 exemption to submit satisfactory evidence that the applicant
21 qualifies for ~~[he fulfills]~~ the exemption ~~[necessary citizenship~~
22 ~~and residency requirements]~~.

23 (g) The governing board of a junior college district may
24 establish a fee for extraordinary costs associated with a specific
25 course or program and may provide that the exemptions provided by
26 this section ~~[Subsections (a) and (b)]~~ do not apply to this fee.

27 (h) The governing board of each institution of higher

education shall electronically report to the Texas Higher Education Coordinating Board the information required by Section 61.0516 relating to each individual receiving an exemption from fees and charges under Subsection (a), (a-2), or (b). The institution shall report the information not later than December 31 of each year for the fall semester, May 31 of each year for the spring semester, and September 30 of each year for the summer session.

(k) The Texas Higher Education Coordinating Board by rule shall prescribe procedures to allow a person who becomes eligible for an exemption provided by Subsection (a) to waive the person's right to any unused portion of the maximum number of cumulative credit hours for which the person could receive the exemption and assign the exemption for the unused portion of those credit hours to a child of the person. The procedures shall provide:

(1) the manner in which a person may waive the exemption and designate a child to receive the exemption;

(2) a procedure permitting the person to designate a different child to receive the exemption if the child previously designated to receive the exemption did not use the exemption under this section for all of the assigned portion of credit hours; and

(3) a method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption.

(1) To be eligible to receive an exemption under Subsection (k), the child must:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher

1 education;

2 (2) make satisfactory academic progress in a degree,
3 certificate, or continuing education program as determined by the
4 institution at which the child is enrolled in accordance with the
5 policy of the institution's financial aid department, except that
6 the institution may not require the child to enroll in a minimum
7 course load; and

8 (3) be 25 years of age or younger on the first day of
9 the semester or other academic term for which the exemption is
10 claimed, except that the Texas Higher Education Coordinating Board
11 by rule shall prescribe procedures by which a child who suffered
12 from a severe illness or other debilitating condition that affected
13 the child's ability to use the exemption before reaching that age
14 may be granted additional time to use the exemption corresponding
15 to the time the child was unable to use the exemption because of the
16 illness or condition.

17 (m) For purposes of this section, a person is the child of
18 another person if:

19 (1) the person is the stepchild or the biological or
20 adopted child of the other person; or

21 (2) the other person claimed the person as a dependent
22 on a federal income tax return filed for the preceding year or will
23 claim the person as a dependent on a federal income tax return for
24 the current year.

25 SECTION 3. Subsections (e) and (e-1), Section 54.203,
26 Education Code, as amended by Chapters 443 (H.B. 125) and 1334 (S.B.
27 1640), Acts of the 80th Legislature, Regular Session, 2007, are

reenacted and amended to read as follows:

(e) The exemption from tuition, fees, and other charges provided for by this section ~~[in Subsection (a)]~~ does not apply to a person who at the time of registration is entitled to receive educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of those benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term. If the value of federal benefits that may be used only for the payment of tuition and fees and are received in a semester or other term does not equal or exceed the value of the exemption for the same semester or other term, the person is entitled to receive both those federal benefits ~~[the federal benefit]~~ and the exemption in the same semester or other term. The combined amount of the federal benefit that may be used only for the payment of tuition and fees plus the amount of the exemption received in a semester or other term may not exceed the cost of tuition and fees for that semester or other term. ~~[A person is covered by the exemption if the person's right to benefits under federal legislation is extinguished at the time of the person's registration, except that a person may not receive an exemption from fees under this section if the person's right to benefits under federal legislation is extinguished because the person is in default of repayment of a loan made to the person under a federal program to provide or guarantee loans for educational purposes.]~~

(e-1) A person may not receive an exemption under this section if the person is in default on a loan made or guaranteed for

educational purposes by the State of Texas.

SECTION 4. (a) Section 54.203, Education Code, as amended by this Act, applies beginning with tuition, dues, fees, and other charges for the 2009 fall semester. If a person who becomes eligible for an exemption in that semester under that section has paid the tuition, dues, fees, and other charges for that semester, the institution of higher education shall refund to the student the amount of those charges paid by the person in the amount of the exemption. Tuition, dues, fees, and other charges for a term or semester before the 2009 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The Texas Higher Education Coordinating Board shall prescribe the procedures required by Subsections (k) and (l), Section 54.203, Education Code, as added by this Act, as soon as practicable after the effective date of this Act. For that purpose, the coordinating board may adopt the initial rules prescribing those procedures in the manner provided by law for emergency rules.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 93 passed the Senate on March 17, 2009, by the following vote: Yeas 31, Nays 0; May 21, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 93 passed the House, with amendments, on May 19, 2009, by the following vote: Yeas 141, Nays 2, one present not voting; May 23, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor